

UNITED STATES DISTRICT COURT

for the

Southern District of Georgia
Statesboro DivisionUnited States of America
v.

Kerry Lipsy

Date of Previous Judgment: December 7, 2005
(Use Date of Last Amended Judgment if Applicable)Case No: CR605-00008-001USM No: 12247-021

Jacque Hawk

Defendant's Attorney

2008 JUL -9 AM 11:22

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 29Amended Offense Level: 27Criminal History Category: IVCriminal History Category: IVPrevious Guideline Range: 121 to 151 monthsAmended Guideline Range: 120 to 125 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

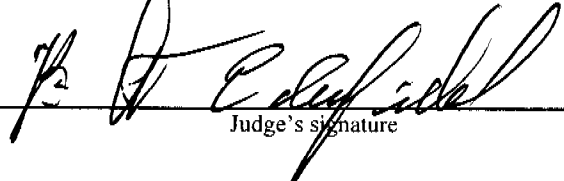
III. ADDITIONAL COMMENTS

For the same reasons cited at the defendant's original sentencing, the Court will not reduce the defendant's sentence. After carefully considering the factors identified at 18 U.S.C. § 3553(a), the Court believes a sentence of 160 months is appropriate in this case.

Except as provided above, all provisions of the judgment dated December 7, 2005, shall remain in effect.

IT IS SO ORDERED.

Order Date: 7-9-2008


 Judge's signature

B. Avant Edenfield
 United States District Judge
 For the Southern District of Georgia
 Printed name and title

Effective Date: _____
 (if different from order date)